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SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 616 / 2005

PETITIONER

Vishamber Lal Gajendra

S/o Hira Singh

Aged about 55 years

Occupation- Retired Revenue Inspector,

Village- Mokha, P.S- Gurur

Dist- Durg (C.G)

RESPONDENTS

Versus

- ✓ 1. State of C.G
Through Revenue Department,
D.K.S Bhawan
Raipur (C.G)
- ✓ 2. Collector
Rajnandgoan (C.G)
- ✓ 3. Sub-Divisional Officer
Rajnandgoan (C.G)



WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT ORDER OF DIRECTION TO DO JUSTICE IN THE MATTER.

52

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. No. 6161 of 2005

Petitioner

Bishamber Lal Gajendra

Versus

Respondents

State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Present: Shri H.S. Ahluwalia, Advocate for the petitioner.
Shri V.V.S. Moorthy, Deputy Advocate General with Smt. Anju
Ahuja, Deputy Advocate General for the State/respondents.

ORDER

(Passed on 14th day of December, 2006)

The following order of the Court was passed by Satish K. Agnihotri, J.

1. The petitioner, while working as Patwari in the Revenue Department at Rajnandgaon, a criminal case was registered under Section 7 of the Prevention of Corruption Act, 1988 against him. The petitioner, by order dated 1.1.1993, was placed under suspension under Rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (hereinafter referred to as 'the Rules, 1966'). The criminal case resulted into acquittal by the judgment and order dated 18.9.1997 (Annexure P/2) passed by the Special Judge, Rajnandgaon in Special Case No. 7/92. The petitioner was thereafter reinstated in the service by order dated 10.11.2003 (Annexure P/1) and the suspension was revoked.

2. The State Government preferred an appeal before this Court against the order dated 18.9.1987 (Annexure P/2) passed by the Special Judge, Rajnandgaon in Special Case No. 7/92.
3. It is admitted position that the petitioner was acquitted in the criminal trial. This Court, while considering the identical point of law involved in W.P. No. 4033 of 2004 (Santosh Kumar Asati Vs. State of Chhattisgarh and others), by order dated 20.4.2005, held that the suspension order cannot continue unless the appeal is allowed and the petitioner is convicted. The respondents/authorities were directed to consider the reinstatement of the petitioner as also the payment of full back wages and other consequential benefits after deducting the amount of subsistence allowance already paid to the petitioner.
4. The same issue again came in W.P. No. 2175 of 2004 (Dhaneshwar Soni Vs. State of Chhattisgarh and another). This Court, by order dated 4.12.2006, held as under:-

"The purpose of suspension in the present case, i.e., smooth disposal of investigation, inquiry or trial of a criminal offence, is already over and the petitioner has been acquitted in the criminal trial. Thus, the petitioner cannot be placed under suspension continuously even under Rule 9 of the Rules of 1966"
5. In view of the orders dated 20.4.2005 and 4.12.2006 passed by this Court in W.P. No. 4033 of 2004 (Santosh Kumar Asati Vs. State of Chhattisgarh and others) and in W.P. No. 2175 of 2004 (Dhaneshwar Soni Vs. State of Chhattisgarh and another), this petition is allowed

and the petitioner is entitled to reinstatement on the post after revocation of suspension as also the payment of full back wages and other consequential benefits after adjusting the amount of subsistence allowance already paid to the petitioner. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Babu